

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 9:23-cv-81281

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

UNLAWFUL THREADS LLC,

Defendant.

COMPLAINT

Plaintiff Christopher Sadowski (“Plaintiff”) sues Unlawful Threads LLC (“Defendant”), and alleges as follows:

THE PARTIES

1. Plaintiff is an individual who is a citizen of the State of New Jersey residing in the State of New Jersey.

2. Defendant is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business located 10622 Pebble Cove Ln, Boca Raton, FL 33498. Defendant’s agent for service of process is Timothy M Lawler, 10622 Pebble Cove Lane, Boca Raton, FL 33498.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has jurisdiction over Defendant because it maintains sufficient minimum contacts with Florida such that the exercise of jurisdiction over it would not offend

traditional notions of fair play and substantial justice.

5. Venue properly lies in this district pursuant to 28 U.S.C. § 1400(a) because Defendant or its agents reside or may be found in this district. “A defendant ‘may be found’ in a district in which he could be served with process; that is, in a district which may assert personal jurisdiction over the defendant.” Palmer v. Braun, 376 F.3d 1254, 1259-60 (11th Cir. 2004). “In other words, ‘if a court has personal jurisdiction over the defendants in a copyright infringement action, venue in that court’s district is proper.’” McGregor v. In Tune Music Grp., No. 15-62044-CIV-ZLOCH, 2016 U.S. Dist. LEXIS 190302, at *11 (S.D. Fla. July 29, 2016) (quoting Store Decor Div. of Jas Int’l, Inc. v. Stylex Worldwide Indus., Ltd., 767 F. Supp. 181, 185 (N.D. Ill. 1991)).

FACTS

I. Plaintiff’s Business

6. Plaintiff is an award-winning photojournalist and is widely published in some of the world’s most important newspapers and magazines, including but not limited to, the *New York Post*, *Daily Mail Online*, *Reader’s Digest*, *USA Today*, *New York Times*, *Fox News*, *CBS News*, *NBC News*, *Boston Globe*, *Boston Herald*, *Los Angeles Times*, *Newsweek Magazine*, and *People Magazine*.

7. For the past nineteen (19) years, Plaintiff has been self-employed as a professional photographer who specializes in photo-documenting ordinary life and the human condition.

8. Plaintiff travels throughout the New York, New Jersey and Connecticut tri-state area taking photographs that tell a story about tragedy, hope, calamity, joy, discord and renewal.

9. Using state-of-the-art equipment, Plaintiff creates high-end photography licensed by some of the top publishers in this Country. When commissioned for a job, Plaintiff spends

countless hours capturing hundreds of photographs and then processing those photographs to ensure they meet customers' requirements.

10. Plaintiff maintains a commercial website (<http://www.csnyphoto.com>) which describes the photography services offered by Plaintiff, hosts a sample portfolio of photographs taken by Plaintiff, and invites prospective customers to contact Plaintiff to arrange for a professional photo shoot.

11. Plaintiff owns the photographs and serves as the licensing agent with respect to licensing such photographs for limited use by Plaintiff's customers. To that end, Plaintiff's standard terms include a limited, one-time license for use of any single photograph by the customer only. Plaintiff's license terms make clear that all copyright ownership remains with Plaintiff and that its customers are not permitted to transfer, assign, or sub-license any of Plaintiff's photographs to another person/entity.

II. The Work at Issue in this Lawsuit

12. In 2017, Plaintiff created a professional photograph of a Home Depot store titled "012517homedepot14CS, 5/19/2017" (the "Work"). A copy of the Work is exhibited below:



13. The Work was registered by Plaintiff with the Register of Copyrights on June 30, 2017, and was assigned Registration No. VA 2-056-827. A true and correct copy of the Certificate of Registration pertaining to the Work is attached hereto as **Exhibit “A.”**

14. Plaintiff is the owner of the Work and has remained the owner at all times material hereto.

III. Defendant’s Unlawful Activities

16. Defendant is an e-commerce store founded in 2016 offering custom designs for a variety of products such as shirts, mugs, and custom graphics on demand.

17. Defendant advertises/markets its business primarily through its website (<https://unlawfulthreads.com/>), social media (e.g., <https://www.facebook.com/UnlawfulThreads/>, <https://www.facebook.com/morefloridamemes/>, and <https://twitter.com/UnlawfulThreads>) and other forms of advertising.

15. On August 19, 2019 (after Plaintiff’s above-referenced copyright registration of the Work), Defendant published a copy of the Work on its Facebook page (at https://www.facebook.com/morefloridamemes/photos/check-out-our-florida-store-for-florida-shirts-mugs-stickers-and-wine-tumblers-we-s/1380633602103092/?paipv=0&eav=AfbkSpp4Usur0z9AVSsU0_IBVzs04EIa7yM3T33_tc72N3pkFa3ZyOD_QJQZG0TVgM8&_rdr):



16. A true and correct copy of screenshots of Defendant’s website, webpage, and/or social media, displaying the copyrighted Work, is attached hereto as **Exhibit “B.”**

17. Defendant is not and has never been licensed to use or display the Work. Defendant never contacted Plaintiff to seek permission to use the Work in connection with his business or for any other purpose.

18. Defendant utilized the Work for commercial use.

19. Upon information and belief, Defendant located a copy of the Work on the internet and, rather than contact Plaintiff to secure a license, simply copied the Work for his own commercial use.

20. Through his ongoing diligent efforts to identify unauthorized use of his photographs, Plaintiff discovered Defendant’s unauthorized use/display of the Work in April 2023. Following Plaintiff’s discovery, Plaintiff notified Defendant in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license for the past/existing infringement of his Work.

21. All conditions precedent to this action have been performed or have been waived.

COUNT I – COPYRIGHT INFRINGEMENT

22. Plaintiff re-alleges and incorporates paragraphs 1 through 21 as set forth above.

23. The Work is an original work of authorship, embodying copyrightable subject matter, that is subject to the full protection of the United States copyright laws (17 U.S.C. § 101 *et seq.*).

24. Plaintiff owns a valid copyright in the Work, having registered the Work with the Register of Copyrights and owning sufficient rights, title, and interest to such copyright to afford Plaintiff standing to bring this lawsuit and assert the claim(s) herein.

25. As a result of Plaintiff's reproduction, distribution, and public display of the Work, Defendant had access to the Work prior to his own reproduction, distribution, and public display of the Work on his website, webpage, and/or social media.

26. Defendant reproduced, distributed, and publicly displayed the Work without authorization from Plaintiff.

27. By its actions, Defendant infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying the Work for his own commercial purposes.

28. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether his conduct infringed upon Plaintiff's copyright. Defendant clearly understands that professional photography such as the Work is generally paid for and cannot simply be copied from the internet.

29. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

30. Plaintiff is entitled to recover his actual damages resulting from Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b)), Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Work, which amounts shall be proven at trial.

31. Alternatively, and at Plaintiff's election, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c), in such amount as deemed proper by the Court.

32. Pursuant to 17 U.S.C. § 505, Plaintiff is further entitled to recover his costs and attorneys' fees as a result of Defendant's conduct.

33. Defendant's conduct has caused, and any continued infringing conduct will continue to cause, irreparable injury to Plaintiff unless enjoined by the Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in the Work;
- b. A declaration that such infringement is willful;
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election, an award of statutory damages for willful infringement up to \$150,000.00 for each infringement of the Work;
- d. Awarding Plaintiff his costs and reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights

or continuing to display, transfer, advertise, reproduce, or otherwise market any works derived or copied from the Work or to participate or assist in any such activity; and

g. For such other relief as the Court deems just and proper.

Demand For Jury Trial

Plaintiff demands a trial by jury on all issues so triable.

Dated: September 15, 2023.

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Exhibit “A”



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Taylor Clayton

Acting United States Register of Copyrights and Director

Registration Number

VA 2-056-827

Effective Date of Registration:

June 30, 2017

Title

Title of Work: Group Registration Photos, 2017-Q2 Photo Collection, published 4/1/2017 to 6/30/2017; 117 photos

Content Title: 112516crimescene33CS, 4/1/2017

012617stabbing4CS, 4/2/2017; 022517crime3CS, 4/2/2017

022517crime2CS, 4/2/2017

022317debt3CS, 4/3/2017

010917ocean1CS, 4/3/2017

061705whitemanna1CS, 4/5/2017

031517townhall14CS, 4/6/2017

040817pedestrian4CS, 4/8/2017

040817shooting2CS, 4/9/2017; 040817shooting4CS, 4/9/2017

052716faulkner31CS, 4/9/2017

040817police1CS, 4/12/2017

010817ferry6CS, 4/12/2017

090216garcia5CS, 4/12/2017

041317accident4CS, 4/13/2017

031517police1CS, 4/14/2017

041417response10CS, 4/14/2017

041417pursuit2CS, 4/15/2017

110616trump3CS, 4/18/2017

042017tolley15CS, 4/20/2017; 042017tolley20CS, 4/20/2017;
042017tolley25CS, 4/20/2017

041917ikea7CS, 4/21/2017; 041917ikea10CS, 4/21/2017

042117amtrak8CS, 4/21/2017

042217pedestrian2CS, 4/23/2017
060316crime5CS, 4/24/2017
041917renovation3CS, 4/25/2017
011117cruise9CS, 4/25/2017
081916court18CS, 4/25/2017
042717stabbing2CS, 4/28/2017
042717intrepid5CS, 4/28/2017
052116amazon6CS, 4/28/2017
050416train7CS, 5/2/2017
011917mcdonalds3CS, 5/2/2017
050517standoff3CS, 5/5/2017
041915crime1CS, 5/6/2017
050517crimescene1CS, 5/6/2017
050517standoff7CS, 5/6/2017
050617stabbing2CS, 5/7/2017
050617stabbing3CS, 5/7/2017
050517crimescene7CS, 5/8/2017
080416crosswalk2CS, 5/10/2017
050617schoolbus11CS, 5/10/2017
052116amazon29CS, 5/10/2017
072316nypd1CS, 5/10/2017
042217nypd1CS, 5/11/2017
051117fire4CS, 5/11/2017
051117robinson1CS, 5/11/2017
010817wte2CS, 5/12/2017
050717money9CS, 5/12/2017
051017trooper3CS, 5/14/2017
041516overcrowding15CS, 5/15/2017
052716faulkner39CS, 5/15/2017
110210fall12CS, 5/15/2017



052716faulkner33CS, 5/16/2017

062216macys5CS, 5/16/2017

100916burgerking11CS, 5/16/2017

042217nypd2CS, 5/17/2017

012517homedepot14CS, 5/19/2017

050417walgreens4CS, 5/19/2017

052417ups6CS, 5/26/2017

050717money4CS, 5/26/2017

020117nyc10CS, 5/26/2017

122816bnp1CS, 5/26/2017

052617mailbox12CS, 5/26/2017

090408school3CS, 5/26/2017

053117printing2CS, 5/31/2017

083116iheartradio2CS, 6/2/2017

052617mailbox17CS, 6/2/2017

060217deblasio3CS, 6/5/2017

060517dollartree8CS, 6/8/2017

052016tesla17CS, 6/8/2017

052717snap7CS, 6/8/2017

060817lopezrivera9CS, 6/9/2017

060817lopezrivera24CS, 6/9/2017

022517uber1CS, 6/9/2017

051817train2CS, 6/9/2017

060817lopezrivera19CS, 6/10/2017

060817lopezrivera23CS, 6/10/2017; 060817lopezrivera35CS, 6/10/2017

052617mailbox2CS, 6/11/2017

050317applebees3CS, 6/12/2017

011217flags2CS, 6/12/2017

061117nordstrom2CS, 6/13/2017

110515timelife3CS, 6/13/2017

052617mailbox16CS, 6/14/2017

060517electricity11CS, 6/14/2017
061017aldi6CS, 6/14/2017
060217cityhall7CS, 6/14/2017
061017sears11CS, 6/14/2017
061417accident1CS, 6/15/2017; 061417accident8CS, 6/15/2017
082511hurricane19CS, 6/16/2017
061717protesters17CS, 6/17/2017
061717protesters7CS, 6/17/2017
120916nypd1CS, 6/17/2017
050416train14CS, 6/19/2017
061917spinner7CS, 6/19/2017
061614shore3CS, 6/20/2017
022517uber4CS, 6/20/2017
062217shooting2CS, 6/23/2017
062217staples9CS, 6/23/2017
062317billboard2CS, 6/23/2017
091416tappansee8CS, 6/23/2017
062317billboard3CS, 6/24/2017
060217cityhall1CS, 6/24/2017
062517spinner1CS, 6/27/2017
120916nypd6CS, 6/27/2017
062517sprint3CS, 6/28/2017
050317walmart3CS, 6/28/2017
062317subway3CS, 6/28/2017
063017accident6CS, 6/30/2017; 063017accident7CS, 6/30/2017
062817uber4CS, 6/30/2017
050617sweeper2CS, 6/30/2017

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Nation of 1st Publication: United States

Author

- **Author:** Christopher Sadowski
Author Created: photograph
Work made for hire: No
Citizen of: United States
Year Born: 1982

Copyright Claimant

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Rights and Permissions

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Certification

Name: Christopher Sadowski
Date: June 30, 2017



00001/A00020568270404

Exhibit “B”

